

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----:

UNITED STATES OF AMERICA, : Case No.:22-cr-650

Plaintiff, :

-against- :

JULIAN REBIGA (3), : New York, New York

MARTIN MIZRAHI (4), : January 25, 2023

Defendants. :

-----:

TRANSCRIPT OF STATUS CONFERENCE HEARING

BEFORE THE HONORABLE SARAH L. CAVE

UNITED STATES MAGISTRATE JUDGE

APPEARANCES:

For Plaintiff: UNITED STATES ATTORNEY'S OFFICE
SOUTHERN DISTRICT OF NEW YORK
BY: Emily S. Deininger, AUSA
One St. Andrew's Plaza
New York, New York 10007

For Defendant: PORTALE RANDAZZO LLP
Martin Mizrahi BY: Richard A. Portale, Esq.
Chad Mair, Esq.
245 Main Street - Suite 340
White Plains, New York 10601

For Defendant: Federal Defenders of New York
Julia Rebiga BY: Kristoff I. Williams, Esq.
52 Duane Street - 10th Floor
New York, New York 10007

Proceedings recorded by electronic sound recording;
Transcript produced by transcription service.

AMM TRANSCRIPTION SERVICE - 631.334.1445

PROCEEDINGS

1 THE DEPUTY CLERK: Your Honor, this is in
2 the matter of United States versus Julian Rebiga and
3 Martin Mizrahi; 22-cr-650.

4 Counsel, please state your appearance for
5 the record.

6 MS. DEININGER: Emily Deininger on behalf
7 of the United States. Good morning, Your Honor.

8 THE COURT: Good morning.

9 MR. WILLIAMS: Good morning, Your Honor.
10 Kristoff Williams. I'll be here from the Federal
11 Defenders of New York, seeking appointment for
12 Mr. Rebiga.

13 THE COURT: Okay. Good morning.

14 Good morning, Mr. Rebiga.

15 MR. PORTALE: Good morning, Your Honor.
16 Richard Portale on behalf of Mr. Mizrahi from
17 Portale Randazzo.

18 THE COURT: Okay. Good morning.

19 Good morning, Mr. Mizrahi.

20 DEFENDANT MIZRAHI: Good morning.

21 MR. MAIR: Good morning. Chad Mair, also
22 with Portale Randazzo for Mr. Mizrahi.

23 THE COURT: Okay. Good morning.

24 Good morning, sir. All right. I'm
25 Magistrate Judge Cave. Nice to meet you, both.

PROCEEDINGS

1 Ms. Deininger, may I have the date and
2 time of arrest, please.

3 MS. DEININGER: Defendant Rebiga was
4 arrested on December 8th in the Central District of
5 California and presented that same day in the
6 Central District of California.

7 Defendant Mizrahi was arrested on
8 December 9th and presented that same day in the
9 District of Nevada.

10 THE COURT: Okay. Very good. Thank you.

11 So, gentlemen, again, I'm Magistrate
12 Judge Cave. And you're here today because you're
13 charged with certain crimes in an indictment.

14 The purpose of today's proceeding is to
15 advise you of certain rights that you have, inform
16 you of the charges against you, consider whether
17 counsel should be appointed, and decide under what
18 conditions, if any, you'll be released -- you should
19 be released pending trial.

20 I'll now explain certain constitutional
21 rights that you have. You have the right to remain
22 silent. You're not required to make any statements.
23 Even if you've already made statements to the
24 authorities, you do not need to make any further
25 statements. Any statements that you do make can be

PROCEEDINGS

1 used against you.

2 You have the right to be released either
3 with or without -- with or without conditions
4 pending trial, unless I find that there are no
5 conditions that would reasonably assure your
6 presence at future court appearances and the safety
7 of the community.

8 If you're not a U.S. citizen, you have
9 the right to request that a government attorney or
10 law enforcement official notify a consular officer
11 from your country of origin that you've been
12 arrested. In some cases, a treaty or other
13 agreement may require the United States government
14 to give that notice, whether you request it or not.

15 You have the right to be represented by
16 an attorney during all court proceedings, including
17 this one, and during all questioning by the
18 authorities. You have the right to hire your own
19 attorney. If you cannot afford an attorney, I will
20 appoint one to represent you.

21 Mr. Rebiga, do you understand your rights
22 as I've just explained them, sir?

23 DEFENDANT REBIGA: Yes.

24 THE COURT: Okay. Thank you.

25 Mr. Mizrahi, do you understand what I've

PROCEEDINGS

1 just explained?

2 DEFENDANT MIZRAHI: Yes, Your Honor.

3 THE COURT: Okay. Thank you.

4 Mr. Rebiga, I understand that you wish
5 for me to appoint counsel. I do have in front of me
6 a financial affidavit form that you've signed under
7 penalty of perjury. Please be aware that you can be
8 charged with perjury for any false statements in
9 this affidavit, and you must tell the Court if
10 there's any change to your financial status.

11 But based on the statements you've made
12 in the financial affidavit, I will approve the
13 appointment of counsel, and so Mr. Williams will
14 represent you going forward, okay. Thank you.

15 DEFENDANT REBIGA: Thank you.

16 THE COURT: You can be seated.

17 So, Mr. Rebiga and Mr. Mizrahi, a grand
18 jury of this district has returned an indictment
19 against you, charging you with certain offenses.

20 Count 1 of the indictment charges that
21 from April 2021 until June 2021, you and others
22 conspired to commit wire fraud and bank fraud in
23 this district, in violation of 18 U.S.C. §§ 1343 and
24 1344 and 1349.

25 In Count 2 -- you can take your seat,

PROCEEDINGS

1 sir. I'm so sorry.

2 In Count 2, the indictment charges that
3 from April 2021 until June 2021 in this district,
4 you and others participated in a scheme to defraud
5 corporations, credit card companies, and other
6 entities through schemes and by making unauthorized
7 credit card charges using stolen credit card
8 information and interstate wires, in violation of
9 18 U.S.C. §§ 1343 and 2.

10 In Count 3, the indictment charges that
11 from April 2021 until June 2021, in this district,
12 you and others participated in a scheme to defraud
13 financial institutions by submitting false
14 information to banks and credit card companies
15 regarding the purpose, intended use and
16 authorizations for wire transfers and credit card
17 charges, and also used interstate wires, in
18 violation of 18 U.S.C. §§ 1344 and 2.

19 In Count 4, from April 2021 until June
20 2021 in this district, you and others knowingly
21 conspired to engage in money laundering of the
22 criminally derived property from the wire and bank
23 fraud conspiracy charged in Count 1 and the wire and
24 bank -- wire fraud and bank fraud charged in
25 Counts 2 and 3, in violation of 18 U.S.C. §§

PROCEEDINGS

1 1956(a)(1)(B)(i) and 1957(a) and 1956.

2 In Count 5, the indictment charges that
3 from May 2021 until June 2021 in this district, you
4 and others transferred the proceeds of your
5 fraudulent schemes to accounts under your control
6 and the control of your co-conspirators and
7 converted the proceeds, in violation of 18 U.S.C. §§
8 1956(a)(1)(B)(i) and 2.

9 And, finally, in Count 6, the indictment
10 charges that from April 2021 until June 2021, in
11 connection with the offenses charged in Counts 1, 2,
12 and 3, you used the identification information of
13 another person to make charges on that person's
14 credit card, in violation of 18 U.S.C. §§ 1028(a)
15 and 2.

16 Mr. Williams, do you have a copy of the
17 indictment, and have you reviewed it with
18 Mr. Rebiga?

19 MR. WILLIAMS: Yes, Your Honor.

20 THE COURT: Okay.

21 Same question, Mr. Portale.

22 MR. PORTALE: Yes, Your Honor, I have.

23 THE COURT: Okay. And, Mr. Williams,
24 does your client waive a detailed reading of the
25 indictment?

PROCEEDINGS

1 MR. WILLIAMS: He does.

2 THE COURT: And is he prepared to enter a
3 plea today?

4 MR. WILLIAMS: Not guilty.

5 THE COURT: Okay. The Court will enter a
6 plea of not guilty on your behalf.

7 Mr. Portale, does your client waive a
8 detailed reading, and is he prepared to enter a plea
9 today?

10 MR. PORTALE: Yes, Your Honor. Not
11 guilty.

12 THE COURT: Okay. A not guilty plea will
13 be entered on your behalf as well, Mr. Mizrahi.

14 Ms. Deininger, I direct the prosecution
15 to comply with its obligation under *Brady versus*
16 *Maryland* and its progeny to disclose to the defense
17 all information, whether admissible or not, that is
18 favorable to the defendants, material either to
19 guilt or to punishment and known to the prosecution.

20 Possible consequences for noncompliance
21 may include dismissal of individual charges or the
22 entire case, exclusion of evidence and professional
23 discipline or court sanctions on the responsible
24 attorneys.

25 After this proceeding, I will enter a

PROCEEDINGS

1 written order that more fully describes this
2 obligation and the possible consequences of failing
3 to meet it, and direct the prosecution to review and
4 comply with that order.

5 Does the prosecution confirm that it
6 understands these obligations and will fulfill them?

7 MS. DEININGER: Yes, Your Honor, we do.

8 THE COURT: Okay. Thank you.

9 And what is the government's position as
10 to bail, detention or release?

11 MS. DEININGER: Your Honor, the
12 government is prepared to propose a bail package for
13 both defendants that is, I believe, generally
14 consistent with both Pretrial recommendations and
15 what was set in the other districts.

16 THE COURT: Okay.

17 MS. DEININGER: So with regard to
18 Mr. Mizrahi, the government would propose that he be
19 released on a \$500,000 bond to be secured by his
20 residence -- the address, I believe, is
21 1097 Broadmoor Avenue in Las Vegas, Nevada -- and
22 that, otherwise, the terms be set as recommended by
23 Pretrial Services here.

24 So that is, number one, that Pretrial
25 Services supervision as directed; travel restricted

PROCEEDINGS

1 to the Central District of California, the District
2 of Nevada, and the Eastern and Southern District of
3 New York, but that the defendant may travel to other
4 districts for business purposes with pre-approval
5 from Pretrial Services; that he surrender travel
6 documents and not obtain any new ones; no contact
7 with co-defendants or witnesses unless in the
8 presence of counsel; surrender all weapons and
9 firearms, and provide verification of such to
10 Pretrial Services; not possess identifiers or access
11 devices or accounts of others unless they are in his
12 name or that of a minor child; to not liquidate any
13 cryptocurrency without express permission of the
14 Court; to not open any new bank, cryptocurrency or
15 lines of credit accounts without express permission
16 of the Court.

17 And then this last one, recommendation
18 number 9, "Defendant must not receive money or
19 cryptocurrency" -- this says "over 5 million," but
20 my understanding in the prior district was that it
21 was actually meant to be 5,000, and that is what the
22 government would recommend.

23 THE COURT: Okay.

24 MS. DEININGER: So to not receive money
25 or cryptocurrency over 5,000 from third parties

PROCEEDINGS

1 except for paychecks or employment compensation
2 received from LV.Net without notifying Pretrial
3 Services.

4 THE COURT: Okay. Thank you.

5 Mr. Portale, any comments on that?

6 MR. PORTALE: Yes, Judge, if I may.

7 THE COURT: Yeah.

8 MR. PORTALE: Just a couple things. I'll
9 just confirm what counsel has stated about the
10 5 million versus 5,000. I confirm that.

11 THE COURT: Okay.

12 MR. PORTALE: Yeah, that was what was
13 agreed. And I think it was Ms. Deininger and I that
14 had originally agreed on it in the first place over
15 the phone, right?

16 MS. DEININGER: Yeah.

17 MR. PORTALE: I do take issue with
18 Pretrial's request that Mr. Mizrahi surrender
19 weapons and firearms. So the good folks in
20 Las Vegas did not require him to do that.

21 THE COURT: Okay.

22 MR. PORTALE: He's got some handguns at
23 the house. He has a valid Nevada license, concealed
24 carry license, that's valid through 2024.

25 THE COURT: Okay.

PROCEEDINGS

1 MR. PORTALE: I don't see any reason to
2 change it. There's no allegations -- this is not a
3 Hobbs Act robbery, you know. This is a financial
4 crime allegation. I don't see any reason to change
5 it.

6 THE COURT: Okay. Does -- you said the
7 license is valid. Do you know if he showed that to
8 the folks in Las Vegas?

9 MR. PORTALE: He didn't show it to them,
10 but they went and did their homework, and I think
11 it's in the report.

12 THE COURT: Okay.

13 MR. PORTALE: And I could find it if
14 you'd like.

15 THE COURT: Okay. But they verified that
16 the license is valid?

17 MR. PORTALE: I read -- I got it from
18 them.

19 THE COURT: Okay. Okay. All right.

20 Do you know where they're stored in the
21 home? Are they in a locked container? If you want
22 to ask him --

23 MR. PORTALE: Of course. Yeah, yeah,
24 yeah.

25 THE COURT: Okay.

PROCEEDINGS

1 MR. PORTALE: But I can find out
2 precisely.

3 THE COURT: Okay. Please do.

4 (Discussion held off the record.)

5 MR. PORTALE: He has a closet that has
6 facial-recognition feature -- security features.

7 THE COURT: Okay.

8 MR. PORTALE: The guns are locked in that
9 closet, so, I guess, unless you're Mr. Mizrahi, you
10 can't get in the closet.

11 THE COURT: Okay. Thank you. All right.

12 Ms. Deininger, do you have a reaction to
13 that issue?

14 MS. DEININGER: Your Honor, I think
15 generally our position is that, while defendants are
16 being supervised, they shouldn't be in possession of
17 firearms because of the risk that it poses to anyone
18 going to conduct a home visit. So I think we would
19 object to the continued -- continued possession of
20 firearms.

21 THE COURT: Okay. Go ahead.

22 MR. PORTALE: If I could just say one
23 thing --

24 THE COURT: Sure.

25 MR. PORTALE: -- and I don't want to be

PROCEEDINGS

1 confrontational, but Counsel didn't object when we
2 set the first docket in which she consented to
3 allowing him to keep his firearms. This was not an
4 issue before, so I'm not sure what has changed since
5 then. Nothing's changed.

6 THE COURT: Okay.

7 MR. PORTALE: In fact, he's traveled here
8 from Las Vegas. He's working at our office for the
9 week. He's -- I don't think there's any -- thank
10 you.

11 THE COURT: Okay. Just give me one
12 moment. If I could just ask Pretrial, is he going
13 to continue to be supervised by the office in
14 Nevada?

15 PRETRIAL SERVICES: That's correct, Your
16 Honor.

17 THE COURT: Okay. And do you know if
18 they've done any visits to the home as yet?

19 PRETRIAL SERVICES: Not to my knowledge,
20 Your Honor.

21 THE COURT: Okay.

22 PRETRIAL SERVICES: But I can try to find
23 out.

24 THE COURT: Okay. Do you know if
25 they've --

PROCEEDINGS

1 MR. PORTALE: Two weeks ago, they did.

2 THE COURT: They did do a visit. Okay.

3 MR. PORTALE: Could I have one --

4 THE COURT: And was that unannounced, or
5 did they notify Mr. Mizrahi before they came?

6 MR. PORTALE: About 20 minutes before
7 they arrived, they said --

8 THE COURT: Okay.

9 MR. PORTALE: -- we're on the way.

10 THE COURT: Okay.

11 MR. PORTALE: Yeah.

12 THE COURT: I'm sorry. You had something
13 else you wanted to --

14 MR. PORTALE: I just wanted to add
15 something. His parents, his elderly parents, live
16 with him.

17 THE COURT: Yeah.

18 MR. PORTALE: So, you know, if now
19 everybody knows that he's unarmed and they're in
20 Vegas, and then we're also then exposing his parents
21 to --

22 THE COURT: No, I understand. I'm sort
23 of torn between the issue that the government has
24 raised about Pretrial Services officers coming to a
25 home that firearms are present, and the -- their

PROCEEDINGS

1 safety, but I also understand Mr. Mizrahi's concerns
2 about his own safety. And so I'm just trying to
3 think of some compromise that we might make. I
4 understand that Pretrial sometimes wants to make
5 unannounced visits for obvious reasons, but if there
6 could be some assurance that when they arrive that
7 the firearms were, in fact, locked and stored and
8 not -- you know, that he's not going to walk to the
9 door with, you know, one of the firearms in his
10 hand, for example.

11 MR. PORTALE: I don't think that's going
12 to be a problem with him.

13 THE COURT: Okay.

14 MR. PORTALE: May I?

15 THE COURT: Go ahead.

16 (Discussion held off the record.)

17 MR. PORTALE: He just asked me to point
18 out to you that Pretrial Services in Nevada knows
19 about the firearms. They have no issue with it.

20 THE COURT: Okay. Right.

21 MR. PORTALE: And, I mean, if you would
22 like to place him under oath and have him assure you
23 that when he answers the door for Pretrial, you
24 know, he's not going to be armed, but -- he's happy
25 to do that. Whatever Your Honor --

PROCEEDINGS

1 THE COURT: I mean, I'll make it one of
2 the conditions. And if the folks in Nevada have
3 been comfortable with it so far, they're the ones
4 who have to face this on a daily basis. If they
5 have any concerns, they can obviously raise it with
6 me and we can change the condition. But given that
7 they've been operating on the status quo, I'm
8 comfortable with leaving it as is, so --

9 MR. PORTALE: Thank you very much, Your
10 Honor.

11 THE COURT: Okay. All right. So I will
12 not require Mr. Mizrahi to surrender the firearms
13 that he has in the home, provided that they do
14 remain locked, and that on any visit from Pretrial
15 Services, they also all remain in the locked storage
16 cabinet. All right.

17 So, Mr. Mizrahi, I know the government
18 just read the conditions, but I'll just repeat them
19 again for the record; that I'm comfortable, based on
20 my review of the indictment, the Pretrial Services
21 reports that I have in our discussion here today,
22 that you'll be released on the following conditions:

23 You'll need to sign a personal
24 recognizance bond in the amount of \$500,000 secured
25 by your residence in Nevada. You'll be subject to

PROCEEDINGS

1 Pretrial Services supervision as directed. Your
2 travel will be restricted to the Central District of
3 California, the District of Nevada, Eastern and
4 Southern Districts of New York. You may travel to
5 other districts for business purposes with
6 pre-approval from Pretrial. You must surrender any
7 travel documents and not obtain any new travel
8 documents. You may not have any contact with your
9 co-defendant or witnesses unless in the presence of
10 counsel.

11 I'm -- as I said, I'm not going to ask
12 you to surrender the firearms, but they must remain
13 in a locked cabinet. And they -- in particular,
14 they must be in a locked cabinet on the arrival of
15 Pretrial Services to your home. You may not possess
16 any identifiers, access devices or accounts unless
17 in your name or that of your minor child. You may
18 not liquidate any cryptocurrency without Court
19 permission. You may not open any new bank,
20 cryptocurrency, or line-of-credit accounts without
21 permission of the Court. And you may not receive
22 any money or cryptocurrency over \$5,000 from third
23 parties except for paychecks, employment
24 compensation received from LV.Net without notifying
25 Pretrial Services.

PROCEEDINGS

1 Do you understand all those conditions
2 I've just read, Mr. Mizrahi?

3 DEFENDANT MIZRAHI: Yes, Your Honor.

4 THE COURT: Okay. Thank you. Okay.

5 Now, let's talk about Mr. Rebiga.

6 MR. PORTALE: Wait.

7 THE COURT: Oh, I'm sorry.

8 MR. PORTALE: I'm so sorry.

9 THE COURT: It's okay.

10 MR. PORTALE: Before we move on, I'm not
11 going to ask Your Honor to change or alter anything,
12 but could I just address something in the addendum
13 from Pretrial?

14 THE COURT: Yeah.

15 MR. PORTALE: I just want the record to
16 be clear. On page 2 of Mr. Mizrahi's addendum, it's
17 kind of unclear as to whether they're saying --
18 he's -- so one of the conditions that we had agreed
19 upon was that he not open any new bank accounts, and
20 so, you know, it's a condition, and it's important,
21 right? So I've been discussing with AUSA Klein that
22 his -- he's been encountering lots of problems.
23 He's now been indicted for wire fraud and bank
24 fraud, so banks are shutting him down.

25 THE COURT: Right.

PROCEEDINGS

1 MR. PORTALE: So he has been scrambling
2 to stay in business. He has not opened a new bank
3 account.

4 THE COURT: Okay.

5 MR. PORTALE: And so under financial
6 resources, it's a little unclear as to whether he
7 said that the bank accounts were new. And I was on
8 the phone with Pretrial during that telephonic
9 interview, as was Mr. Mair and Mr. Mizrahi, and what
10 he said was that they were newer to him, so, like,
11 they were kind of new, but not new since --

12 THE COURT: Not since the case.

13 MR. PORTALE: -- the conditions.

14 THE COURT: Okay.

15 MR. PORTALE: And I wanted to just
16 clarify that so Your Honor knows he has not violated
17 these conditions.

18 THE COURT: Okay. I understand. I
19 didn't read it that way, but I understand the
20 clarification.

21 MR. PORTALE: Thank you.

22 THE COURT: Okay. All right. Obviously,
23 he can just -- if he needs to do something
24 different, he just needs to tell Pretrial. So it's
25 not an absolute restriction. It's just --

PROCEEDINGS

1 MR. PORTALE: Okay.

2 THE COURT: -- that if he's going to do
3 it, he needs to get -- sorry -- he needs to get
4 Court permission.

5 MR. PORTALE: This is Court permission.
6 The old condition was Pretrial permission.

7 MS. DEININGER: Your Honor, the
8 government would be fine with Pretrial --

9 THE COURT: Pretrial?

10 MS. DEININGER: -- permission.

11 MR. PORTALE: Pretrial? Okay. Because
12 then the lawyers don't have to get together and come
13 to the Court and --

14 THE COURT: That's fine. So I will
15 change it to Pretrial.

16 MR. PORTALE: Okay. And just so you
17 know, I called Mr. Klein and I explained to him, you
18 know, what was going on. And just so everybody --
19 and we sent all the information to Pretrial as well.

20 THE COURT: Okay.

21 MR. PORTALE: Mr. Mizrahi did.

22 THE COURT: I appreciate that. Thank you
23 for your candor. And the record -- this is being
24 recorded, so the record reflects the correction that
25 you made.

PROCEEDINGS

1 MR. PORTALE: Thank you.

2 THE COURT: And also, I will -- when I
3 enter all the conditions on the disposition sheet, I
4 will note that it's Pretrial permission, not Court
5 permission that's required.

6 MR. PORTALE: Thank you.

7 THE COURT: Okay. All right.

8 Ms. Deininger, let's talk about Mr.
9 Rebiga.

10 MS. DEININGER: For Defendant Rebiga,
11 again, the government would propose the bond package
12 with conditions that I think generally reflects what
13 was set before. And I believe it will be acceptable
14 to defense counsel, but we would propose that the
15 defendant be released on a \$75,000 bond to be
16 secured by his residence. And that address, I
17 believe, is 92 -- sorry -- 902 Firmona Avenue in
18 Redondo Beach, California. He had previously been
19 subject to home detention with location monitoring.
20 I have confirmed with defense counsel, and we have
21 agreed to reduce that to standalone location
22 monitoring.

23 THE COURT: Okay.

24 MS. DEININGER: And, otherwise,
25 conditions consistent with those proposed by

PROCEEDINGS

1 Pretrial here, so report to Pretrial Services as
2 directed; surrender all passports and make no new
3 applications; travel restricted to the Southern and
4 Eastern Districts of New York and the Central
5 District of California and points in between for
6 travel to and from court and attorney visits; that
7 he seek and maintain verifiable employment; no
8 contact with victims or witnesses except in the
9 presence of counsel; no possessing personal
10 identifying information of others; no opening new
11 bank accounts or cryptocurrency accounts unless
12 approved by Pretrial; reside at a location approved
13 by Pretrial, and do not relocate without Pretrial
14 Services' permission; and maintain and obtain
15 employment as approved by Pretrial Services.

16 THE COURT: Okay. Thank you.

17 All right, Mr. Williams, any comments or
18 clarifications?

19 MR. WILLIAMS: We're in agreement with
20 that, Your Honor. I think one of the other
21 conditions we talked about removing from the
22 previous set conditions was the digital device
23 monitoring, so I just wanted to make that clear.

24 THE COURT: Okay.

25 MR. WILLIAMS: And as far as the \$75,000

PROCEEDINGS

1 bond, that was already submitted in the Central
2 District of California. It's been approved by that
3 office. Just wanted to get clarification if we are
4 being asked to submit that again here.

5 THE COURT: Okay. I think it is a new
6 bond, usually, that we have people sign here,
7 correct?

8 MS. DEININGER: That's correct. My
9 understanding is it's -- the old one will be --
10 is -- is essentially released once an appearance
11 occurs in this district.

12 THE COURT: Right.

13 MR. WILLIAMS: Okay.

14 THE COURT: Right. So just -- it's a new
15 bond that has to be signed, but it replaces the old
16 one, so -- all right.

17 So, just to repeat -- I know, Mr. Rebiga,
18 you just heard this from Ms. Deininger -- it's okay.
19 You can remain seated. I really -- I appreciate the
20 respect, thank you, but I don't want you to have to
21 keep getting up.

22 So you'll be released on the following
23 conditions: You must post a new bond in this
24 district or sign a new bond in this district in the
25 amount of \$75,000 secured by your residence in

PROCEEDINGS

1 Redondo Beach, California. You must report to
2 Pretrial Services as directed. You must surrender
3 any passport and make no new applications for any
4 travel documents. Your travel is restricted to the
5 Southern and Eastern Districts of New York and the
6 Central District of California and points between
7 for travel to and from court and attorney visits.

8 You must seek and maintain verifiable
9 employment. You may not have any contact with
10 victims or witnesses except in the presence of
11 counsel. You may not possess others' personally
12 identifying information. You may not open any new
13 bank accounts or cryptocurrency accounts unless
14 approved by Pretrial Services. And you must reside
15 at a location approved by Pretrial Services and not
16 relocate without permission of Pretrial Services.
17 And we will modify -- you'll remain on home
18 detention enforced by location monitoring, but we'll
19 switch it to the standalone monitoring equipment.

20 Do you understand all those conditions,
21 Mr. Rebiga?

22 DEFENDANT REBIGA: Yes, Your Honor.

23 THE COURT: Okay. Thank you.

24 Let me just explain to both of you, given
25 the conditions that I've set for each of you

PROCEEDINGS

1 separately, if you fail to appear in court as
2 required, or if you violate any of the conditions of
3 your release, a warrant will be issued for your
4 arrest. You and anyone who signed the bond will
5 each be responsible for paying the full amount. In
6 the case of Mr. Mizrahi, that's \$500,000. In the
7 case of Mr. Rebiga, that's \$75,000. And you may be
8 charged with a separate crime of bail jumping, which
9 can mean additional jail time and/or fine.

10 If you commit a new offense while you're
11 released, in addition to the sentence for that
12 offense, you'll be sentenced to an additional term
13 of imprisonment of not more than ten years if the
14 offense is a felony, or not more than one year if
15 the offense is a misdemeanor. And that term is
16 executed after any other sentence is completed.

17 While you're awaiting trial, I must warn
18 you not to have any contact with or engage in any
19 intimidation of potential or designated witnesses or
20 jurors, not to engage in any intimidation of any
21 court officer, and not to engage in any conduct that
22 would obstruct an investigation by law enforcement.
23 And if you don't agree with the conditions I've set,
24 you do have the right to appeal them.

25 Has Judge Oetken set a conference date in

PROCEEDINGS

1 the case?

2 MS. DEININGER: Yes, Your Honor. We have
3 an initial pretrial conference scheduled for
4 tomorrow at 11:00 a.m.

5 THE COURT: Okay. All right. Very good.
6 Anything further from the government
7 today, then?

8 MS. DEININGER: No, Your Honor.

9 THE COURT: Okay. Mr. Williams?

10 MR. WILLIAMS: No, Your Honor. Thank
11 you.

12 THE COURT: Okay. Mr. Portale?

13 MR. PORTALE: No, Your Honor.

14 THE COURT: Okay. Thank you.

15 Thank you very much, Mr. Rebiga and
16 Mr. Mizrahi, for your cooperation. And we'll be
17 adjourned. Have a good day.

18

19 0o0

20

21

22

23

24

25

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

C E R T I F I C A T E

I, Adrienne M. Mignano, certify that the foregoing transcript of proceedings in the case of USA v. Zubaid, et al., Docket #22CR0650 was prepared using digital transcription software and is a true and accurate record of the proceedings.

Signature Adrienne M. Mignano
ADRIENNE M. MIGNANO, RPR

Date: June 14, 2023